

## ORDINANCE NO. 2181

### AN ORDINANCE ESTABLISHING AN ECONOMIC IMPROVEMENT DISTRICT WITHIN THE CITY'S CENTRAL BUSINESS DISTRICT APPLYING ONLY TO COMMERCIAL PROPERTIES, AND ESTABLISHING A PROCESS FOR IMPOSITION OF ASSESSMENTS

#### Findings

- A. The City Council on request of various downtown business and property owners through the Downtown Bend Business Association (DBBA) conducted a public hearing on March 7, 2012 on the question whether to create the Downtown Bend Economic Improvement District (District).
- B. The City provided not less than thirty days notice of the March 7, 2012 hearing.
- C. The area within the boundaries of the proposed district is zoned commercial. No residential real property or any portion of a structure used primarily for residential purposes will be assessed.
- D. A preliminary estimate of the probable cost of the activities to be funded pursuant to Section 1 of this Ordinance is approximately \$150,000.00 per year, and the proposed formula for apportioning costs is set forth in Section 3 of this Ordinance.
- E. The rate to be assessed each benefited and assessed property is in proportion to the benefit that the property may be derived from the district.
- F. ORS 223.112 to ORS 223.161 authorize the City to establish economic improvement districts and to use assessments from the District to fund specific economic improvement projects, in addition to other powers of the City to form economic improvement districts under ORS 223.132.
- G. The creation of the District has beneficial purposes as set forth in this ordinance.
- H. The City is required after establishment of the District to provide notice to property owners of assessments and then conduct an additional hearing to receive remonstrances (also called objections), if any.

## THE CITY OF BEND ORDAINS AS FOLLOWS:

### Section 1: Creation of District:

(a) The City Council of Bend approves and creates the "Downtown Bend Economic Improvement District." The District is authorized to make economic improvements defined by ORS 221.112(2), and in particular, is authorized to expend revenues generated by assessments imposed by this ordinance and the assessment resolution on the following improvements, which shall all be deemed part of the economic improvement project undertaken by the District as provided in ORS 223.117(1)(a):

- Flower baskets-every block-spring, summer and fall
- Beautified planters-every block
- Sidewalk snow removal-clear path for customers-District wide
- Sidewalk sweeping and debris removal-year around
- Graffiti removal-on public right of way-year around
- Tree lights
- Holiday Wreaths
- Banners
- Benches
- Trash receptacles-recondition
- Marketing downtown to promote business
- Events-drawing customers to the District including but not limited to: Art Walk, Art Hop, Sidewalk Sale, Holiday Tree Lighting & Oktoberfest
- Advertising-drawing customers to the District-advertising on radio, tv, print, web and other outlets

Beautification projects and services will be provided equally throughout the District area with every block receiving flowers, every tree with electrical service receiving lights, etc. Maintenance will be performed throughout the entire District area. Capital improvements will be phased in over the life of the District in a geographically equitable manner.

Marketing efforts including events and advertising will be executed to obtain the maximum exposure and benefit for all downtown businesses. These efforts will keep downtown a central gathering place for the community, keep it vibrant and stimulate economic improvement.

The District will be managed by the Executive Director of the DBBA for 40 hours per week paid from District revenues.

- (b) The boundaries of the District are as depicted on Exhibit A to this ordinance. All commercial property located within the boundary shall be subject to the assessment.
- (c) The preliminary cost of the economic improvement project as described in this section is \$150,000 per year.

**Section 2:** **Duration:** The Downtown Bend Economic Improvement District shall be in effect for three consecutive years, commencing upon adoption of a resolution assessing the affected property as provided Section 6 (c) of this ordinance and as otherwise provided by law. Council may extend the duration of the District, after following the required public notice requirements and opportunity for remonstrances contained in ORS 223.122.

**Section 3:** **Assessment Rate:** The property shall be assessed as follows: \$0.18 per square foot per year of real property, which shall not exceed one percent of the real market value of all real property located in the district. The rate will remain the same throughout the term of the District.

**Section 4:** **Total Assessment:** The initial total assessment each year of the three year term is expected to be approximately \$150,000.00 subject to change as the amount of commercial building spaces changes.

**Section 5:** **Agreement to administer program and providing for the Expenditure of Funds.** City shall enter into an agreement with the DBBA to administer the District funds, provide for public meetings, budget adoption and consideration at open publicly noticed meetings, limitations on expenditures and other appropriate matters. This agreement will be adopted at the time of approval of proposed assessments.

**Section 6:** **Notice of assessments and hearing to receive remonstrances.**

- (a) The City Finance Director shall prepare the proposed assessment for each lot and file the proposed assessments with the City Recorder. The City Recorder shall mail or personally deliver to property owners within the boundaries of the District, a notice identifying the amount of the proposed assessment for each property, and informing the property owner of a public hearing scheduled for May 2, 2012 during the regular city council meeting at Bend City Hall, at which the property owners may appear to support or object to the assessment.

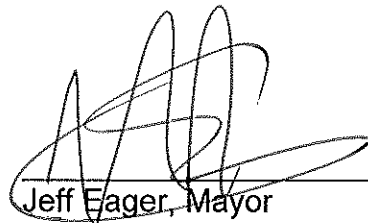
- (b) The City Council will consider the objections and may adopt, correct, modify or revise the proposed assessment. The Council will not impose the assessment if written remonstrances are received at or prior to the public hearing from owners of property upon which more than 33 percent of the total amount of assessment is imposed.
- (c) After the May 2, 2012 hearing, if the Council decides to impose the assessment, it shall impose the assessment by resolution, determine whether the properties within the District shall bear all or a portion of the costs of the activities to be funded, and approve the amount of assessment on each lot.

First Reading March 7, 2012.

Second Reading and Adoption by Roll Call Vote March 21, 2012.

YES: Tom Greene  
Scott Ramsay  
Mark Capell  
Jodie Barram  
Jim Clinton  
Kathie Eckman  
Mayor Jeff Eager

NO: None



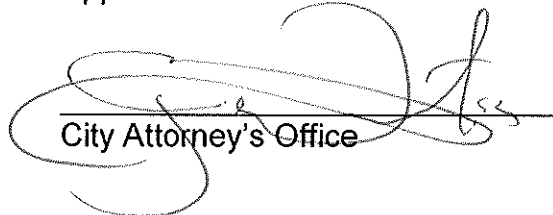
Jeff Eager, Mayor

ATTEST:



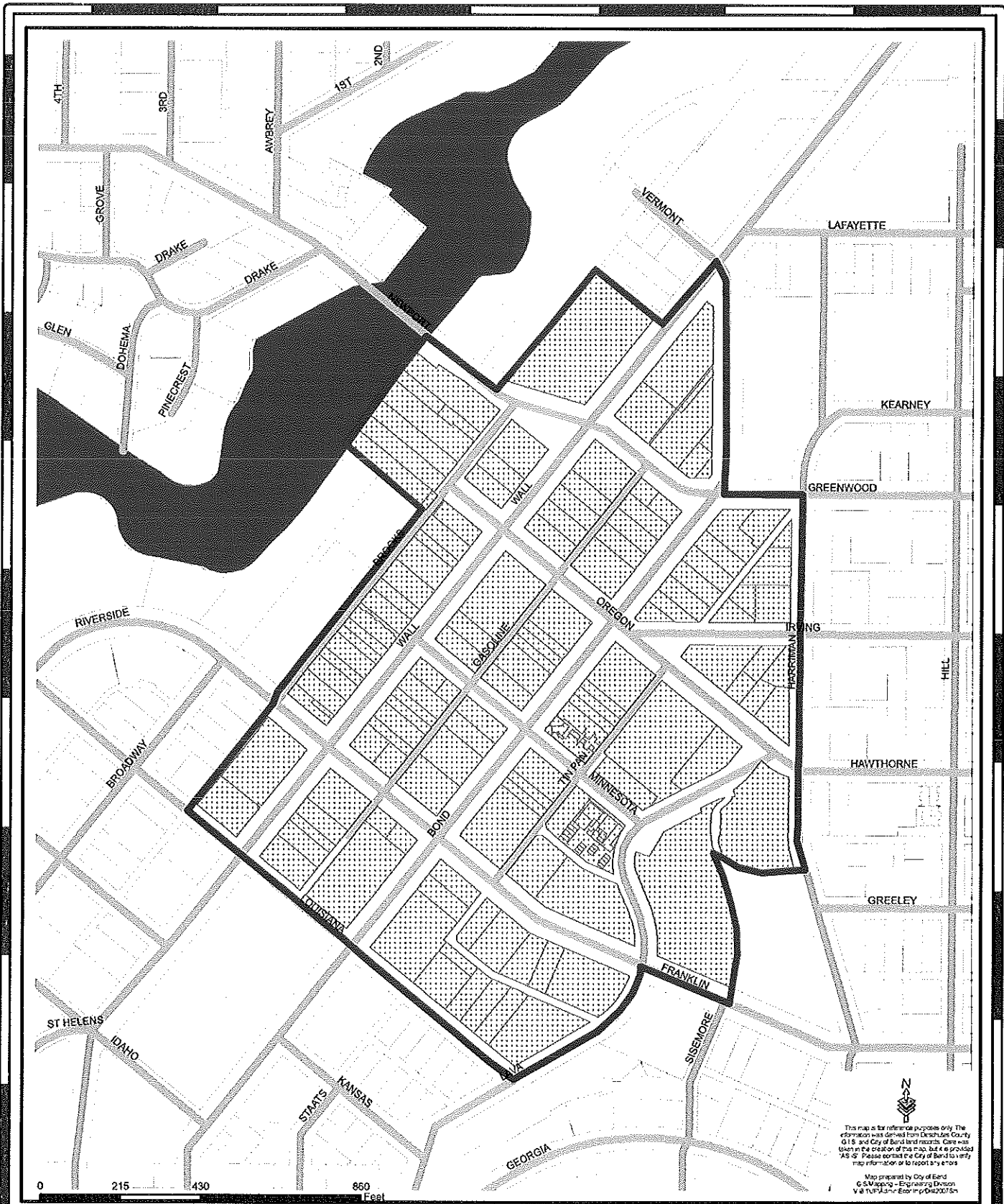
Robyn Christie, City Recorder

Approved as to form:



City Attorney's Office

# Exhibit A




This map is for reference purposes only. The information was derived from Deschutes County Q15 and City of Bend land records. Care was taken in the creation of this map, but it is provided "AS-IS". Please contact the City of Bend to verify map information or to report any errors.

Map prepared by City of Bend  
 GSWapping - Engineering Division  
 V.011014-01-0001-01-0001-01



## Proposed Downtown Bend Economic Development District

May, 2012

 District Boundary

